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Min Zhu

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7590

12/05/2005

PHILIP W. WOO
SIDLEY AUSTIN BROWN & WOOD LLP
555 CALIFORNIA STREET
SUITE 5000
SAN FRANCISCO, CA 94104-1715

EXAMINER

DIVECHA, KAMAL B

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,435

Applicant(s)

ZHU ET AL.

Examiner

KAMAL B. DIVECHA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,11,12 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,11,12 and 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Claims 1-2, 11-12 and 28-31 are pending in this application.

The applicant in response filed October 11, 2005 has canceled claims 3-10 and 13-27. The examiner therefore withdraws the objection made with respect to drawings in the office action mailed on 6/6/2005.

Applicant's arguments filed October 11, 2005 with respect to claims 1-2, 11-12 and 28-31 have been fully considered but they are not persuasive.

Applicant respectfully admitted that Slaughter does teach a remote computer accessing a computer network via a remote access server (remarks, page 6), however argues that none of the cited references disclose "enabling a remote computer to control the desktop of a target computer as required by claim 1 and as disclosed in para. [0038] of the present application.

Paragraph [0038] of the present application simply states:

[0038] In step 316, the user selects the application(s) that can be **accessed** during a remote access session. The user can allow the entire desktop (i.e. unfettered access to all of the applications on a target computer 120) to be accessed via a remote computer 110 during a remote access session, or the user can allow certain applications to **be accessed** via a remote access session. The ability to **access** pre-selected applications instead of all applications that are available from the target computer is one unique feature of the present invention.

There is no teaching, suggestion or any indication whatsoever about controlling the desktop of a target computer. It simply teaches the process of remotely accessing another computer.

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Therefore the examiner simply interpreted “controlling the desktop of a target computer” as in claim 1 to be “accessing another computer system” as disclosed in applicant’s paragraph [0038] and as disclosed by Slaughter as admitted by the applicant (see above).

DETAILED ACTION

Specification

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper (see specification page 16). Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-2, 11-12 and 28-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims recite the limitation of “enabling the remote computer to **control the desktop** of the target computer if the computer has permission to **control the desktop** of the target computer” (claim 1), “a central server computer system communicatively accessible by the first and second computers, wherein the central server computer system is configured to enable a computer to **share control of a desktop** of another computer via a global computer network and is further configured to determine whether the computer has permission to **share control of a desktop** of the another computer”, “a first computer program installed on the first computer and configured to send a request to the central server computer system to access and **control the desktop** of the second computer and further configured to enable the first computer to access and **control the desktop** of the second computer” (claim 11), “a second computer program installed on the second computer and **configured to receive a request from the central server computer system to access and control the desktop of the second computer and further configured to enable the first computer to access and control the desktop of the second computer** (claim 11) , and further “**allowing the remote computer to specify accessible applications** that are located on the target computer if the remote computer has permission to access the target computer” (claim 2, 12). However, the specification merely describes a method and system for accessing a target computer from a remote location using a remote computer via the central computer system (see abstract, pg. 2 [0006], pg. 10 [0038]), and fails to teach, disclose or suggest the process of controlling the desktop of a computer. Hence, the above claimed limitation presents new subject matter situations and was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 11-12 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Slaughter, III et al. (hereinafter Slaughter, U. S. Patent No. 5,598,536).

As per claim 1, Slaughter discloses a method comprising: receiving a request to access a target computer from a remote computer at a central computer system, wherein the target computer includes a desktop (col. 3 L10-52 and fig. 2 item #46, 48, 50); determining whether the remote computer has permission to access the target computer (fig. 3 step #57 and col. 3 L12-55); and enabling the remote computer to control the desktop of the target computer (i.e. access the target computer) if the remote computer has permission to control the desktop of the target computer (i.e. access the target computer, col. 3 L50-60, col. 5 L14-23, fig. 3 step #58 and fig. 2).

As per claim 2, Slaughter discloses the process of allowing the remote computer to specify accessible applications (i.e. allowing the remote computer to access the accessible applications) that are located on the target computer if the remote computer has permission to access the target computer (fig. 3 step #58 and step #64; col. 2 L19-31).

As per claim 11, Slaughter discloses a computer system including: a first computer and a second computer, each including a desktop (fig. 1 item #12 and fig. 2 item #46); a central server

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computer system communicatively accessible by the first and second computers (fig. 1 item #16), wherein the central server computer system is configured to enable a computer to share control of a desktop of another computer (i.e. access another computer system) via a global computer network and is further configured to determine whether the computer has permission to share control of a desktop of the another computer (fig. 1 and col. 1 L63 to col. 2 L18); a first computer program installed on the first computer and configured to send a request to the central server computer system to access and control the desktop of the second computer and further configured to enable the first computer to access and control the desktop of the second computer (col. 5 L56-67 and col. 3 L13-60; Applicant Admitted Prior Art, AAPA para. [0003]); and a second computer program installed on the second computer and configured to receive a request from the central server computer system to access and control the desktop of the second computer and further configured to enable the first computer to access and control the desktop of the second computer (AAPA para. [0001-0003]; col. 6 L23-64 and fig. 3).

As per claim 28, Slaughter discloses a system wherein the first and second computer programs are remote access programs (col. 5 L57 to col. 6 L31; AAPA para. [0003]).

As per claim 29, Slaughter discloses a system wherein remote access programs are downloaded from the central server computer system (col. 6 L20-30 and fig. 1-2).

As per claim 12, it does not teach or further define over the limitations in claims 1-2, 11 and 28-29. Therefore claim 12 is rejected for the same reasons as set forth in claims 1-2, 11 and 28-29.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slaughter, III et al. (hereinafter Slaughter, U. S. Patent No. 5,598,536) in view Atsmon et al. (hereinafter Atsmon, U. S. Patent No. 6,607,136 B1).

As per claim 30, slaughter does not disclose a system wherein the central server computer system includes a web server.

Atsmon discloses a system comprising various servers including web server (col. 6 L50-56, col. 32 L51-60, col. 44 L5-20). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Atsmon with Slaughter, in order to include a web server with the central computer system.

One of ordinary skilled in the art would have been motivated so that the software (remote access software would have been downloaded from a web server over the web (Atsmon, col. 32 L56-60).

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slaughter, III et al. (hereinafter Slaughter, U. S. Patent No. 5,598,536) in view of Easley et al. (hereinafter Easley, Pub. No.: US 2002/0142842 A1).

As per claim 31, Slaughter does not disclose a system wherein the first and second computer programs are software plug-ins downloadable from a website.

Easley, from the same field of endeavor discloses a system wherein software (plug-ins or other applications) are downloaded from a server (a website, pg. 3 [0028] and fig. 1). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Slaughter in view of Easley, in order to download the computer programs as software plug-ins from a website.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to access the software applications through a website (Easley, para. [0028]).

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Fuh et al., U. S. Patent No. 6,463,474.
- b. Dorfman et al., U. S. Patent No. 6,449,651 B1.
- c. Bogia et al., Pub. No.: US 2003/0051002 A1.
- d. Falkner, Pub. No.: US 2003/0046371 A1.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Flex schedule 8 hr days (10.00am-6.30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KD

November 29, 2005.


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER